



Filed: 3/1/2005

09400HB0873ham001

LRB094 04214 RLC 42720 a

1 AMENDMENT TO HOUSE BILL 873

2 AMENDMENT NO. _____. Amend House Bill 873 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Ticket Scalping Act is amended by changing
5 Sections 0.01, 1, and 1.5 as follows:

6 (720 ILCS 375/0.01) (from Ch. 121 1/2, par. 157.30)

7 Sec. 0.01. Short title. This Act may be cited as the Ticket
8 Sale and Resale ~~Scalping~~ Act.

9 (Source: P.A. 86-1324.)

10 (720 ILCS 375/1) (from Ch. 121 1/2, par. 157.31)

11 Sec. 1. Sale of tickets other than at box office
12 prohibited; exceptions.

13 (a) It is unlawful for any person, firm or corporation,
14 owner, lessee, manager, trustee, or any of their employees or
15 agents, owning, conducting, managing or operating any theater,
16 circus, baseball park, place of public entertainment or
17 amusement where tickets of admission are sold for any such
18 places of amusement or public entertainment to sell or permit
19 the sale, barter or exchange of such admission tickets at any
20 other place than in the box office or on the premises of such
21 theater, circus, baseball park, place of public entertainment
22 or amusement, but nothing herein prevents such theater, circus,
23 baseball park, place of public entertainment or amusement from

1 placing any of its admission tickets for sale at any other
2 place at the same price such admission tickets are sold by such
3 theater, circus, baseball park or other place of public
4 entertainment or amusement at its box office or on the premises
5 of such places, at the same advertised price or printed rate
6 thereof.

7 (b) Any term or condition of the original sale of a ticket
8 to any theater, circus, baseball park, or place of public
9 entertainment or amusement where tickets of admission are sold
10 that purports to limit the terms or conditions of resale of the
11 ticket (including but not limited to the resale price of the
12 ticket) shall be unenforceable, null, and void, if the resale
13 transaction is carried out by any of the means set forth in
14 subsections (b), (c), (d), and (e) of Section 1.5 of this Act.

15 (Source: Laws 1923, p. 322.)

16 (720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

17 Sec. 1.5. Sale of tickets at more than face value
18 prohibited; exceptions.

19 (a) Except as otherwise provided in subsections (b), (c),
20 (d), and (e) ~~subsection (b)~~ of this Section and in Section 4,
21 it is unlawful for any person, persons, firm or corporation to
22 sell tickets for baseball games, football games, hockey games,
23 theatre entertainments, or any other amusement for a price more
24 than the price printed upon the face of said ticket, and the
25 price of said ticket shall correspond with the same price shown
26 at the box office or the office of original distribution.

27 (b) This Act does not apply to the sale of tickets of
28 admission to a sporting event, theater, musical performance, or
29 place of public entertainment or amusement of any kind for a
30 price in excess of the printed box office ticket price by a
31 ticket broker who meets all of the following requirements:

32 (1) The ticket broker is duly registered with the
33 Office of the Secretary of State on a registration form

1 provided by that Office. The registration must contain a
2 certification that the ticket broker:

3 (A) engages in the resale of tickets on a regular
4 and ongoing basis from one or more permanent or fixed
5 locations located within this State;

6 (B) maintains as the principal business activity
7 at those locations the resale of tickets;

8 (C) displays at those locations the ticket
9 broker's registration;

10 (D) maintains at those locations a listing of the
11 names and addresses of all persons employed by the
12 ticket broker;

13 (E) is in compliance with all applicable federal,
14 State, and local laws relating to its ticket selling
15 activities, and that neither the ticket broker nor any
16 of its employees within the preceding 12 months have
17 been convicted of a violation of this Act; and

18 (F) that the ticket broker meets the following
19 requirements:

20 (i) maintains a statewide toll free number for
21 consumer complaints and inquiries;

22 (ii) has adopted a code that advocates
23 consumer protection that includes, at a minimum:

24 (a-1) consumer protection guidelines;

25 (b-1) a standard refund policy; and

26 (c-1) standards of professional conduct;

27 (iii) has adopted a procedure for the binding
28 resolution of consumer complaints by an
29 independent, disinterested third party; and

30 (iv) has established and maintains a consumer
31 protection rebate fund in an amount in excess of
32 \$100,000, at least 50% of which must be cash
33 available for immediate disbursement for
34 satisfaction of valid consumer complaints.

1 Alternatively, the ticket broker may fulfill the
2 requirements of subparagraph (F) of this subsection
3 (b) if the ticket broker certifies that he or she
4 belongs to a professional association organized under
5 the laws of this State, or organized under the laws of
6 any other state and authorized to conduct business in
7 Illinois, that has been in existence for at least 3
8 years prior to the date of that broker's registration
9 with the Office of the Secretary of State, and is
10 specifically dedicated, for and on behalf of its
11 members, to provide and maintain the consumer
12 protection requirements of subparagraph (F) of
13 subsection (b) to maintain the integrity of the ticket
14 brokerage industry.

15 (2) (Blank).

16 (3) The ticket broker and his employees must not engage
17 in the practice of selling, or attempting to sell, tickets
18 for any event while sitting or standing near the facility
19 at which the event is to be held or is being held.

20 (4) The ticket broker must comply with all requirements
21 of the Retailers' Occupation Tax Act and all other
22 applicable federal, State and local laws in connection with
23 his ticket selling activities.

24 (5) Beginning January 1, 1996, no ticket broker shall
25 advertise for resale any tickets within this State unless
26 the advertisement contains the name of the ticket broker
27 and the Illinois registration number issued by the Office
28 of the Secretary of State under this Section.

29 (6) Each ticket broker registered under this Act shall
30 pay an annual registration fee of \$100.

31 (c) This Act does not apply to the sale of tickets of
32 admission to a sporting event, theater, musical performance, or
33 place of public entertainment or amusement of any kind for a
34 price in excess of the printed box office ticket price by a

1 seller engaged in interstate or intrastate commerce on an
2 Internet auction listing service duly registered with the
3 Department of Financial and Professional Regulation under the
4 Auction License Act. This subsection (c) applies to both sales
5 through an online bid submission process and to sales at a
6 fixed price on the same website or interactive computer service
7 as an Internet auction listing service registered with the
8 Department of Financial and Professional Regulation.

9 This subsection (c) applies to sales described in this
10 subsection so long as the operator of the Internet auction
11 listing service duly registered with the Department of
12 Financial and Professional Regulation under the Auction
13 License Act:

14 (1) Guarantees to all purchasers that it will provide
15 and in fact provides a full refund of the amount paid by
16 the purchaser (including, but not limited to, all fees,
17 regardless of how characterized) if any of the following
18 occurs:

19 (A) the ticketed event is cancelled; provided,
20 that if the event is cancelled then reasonable handling
21 and delivery fees need not be refunded as long as such
22 previously disclosed guarantee specifies that such
23 fees will not be refunded, and also provided that the
24 purchaser returns the tickets to the seller or Internet
25 auction listing service;

26 (B) the ticket received by the purchaser does not
27 allow the purchaser to enter the ticketed event for
28 reasons that may include, without limitation, that the
29 ticket is counterfeit or that the ticket has been
30 cancelled by the issuer due to non-payment, unless the
31 ticket is cancelled due to an act or omission by such
32 purchaser; or

33 (C) the ticket fails to conform to its description
34 on the Internet auction listing service.

1 (2) Publishes a written notice on the Internet Auction
2 listing service after the sale of one or more tickets that
3 automatically informs the ticket seller of their potential
4 legal obligation to comply with any applicable local
5 amusement tax in connection with the seller's sale of
6 tickets.

7 (d) This Act does not apply to the sale of tickets of
8 admission to a sporting event, theater, musical performance, or
9 place of public entertainment or amusement of any kind for a
10 price in excess of the printed box office ticket price
11 conducted at an auction at solely by or for a not-for-profit
12 organization for charitable purposes under clause (a)(1) of
13 Section 10-1 of the Auction License Act.

14 (e) This Act does not prohibit the resale of a ticket for
15 admission to a baseball game, football game, hockey game,
16 theatre entertainment, or any other amusement for a price more
17 than the price printed on the face of the ticket and for more
18 than the price of the ticket at the box office if the resale is
19 made through an Internet website:

20 (1) whose operator has a business presence and physical
21 street address in the State of Illinois and clearly and
22 conspicuously posts that address on the website; and

23 (2) whose operator guarantees to all purchasers that it
24 will provide and in fact provides a full refund of the
25 amount paid by the purchaser (including, but not limited
26 to, all fees, regardless of how characterized) if any of
27 the following occurs:

28 (A) the ticketed event is cancelled; provided,
29 that if the event is cancelled then reasonable handling
30 and delivery fees need not be refunded as long as such
31 previously disclosed guarantee specifies that such
32 fees will not be refunded, and also provided that the
33 purchaser returns the tickets to the website operator;

34 (B) the ticket received by the purchaser does not

1 allow the purchaser to enter the ticketed event for
2 reasons that may include, without limitation, that the
3 ticket is counterfeit or that the ticket has been
4 cancelled by the issuer due to non-payment, unless the
5 ticket is cancelled due to an act or omission by such
6 purchaser; or

7 (C) the ticket fails to conform to its description
8 on the website.

9 Nothing in this subsection (e) shall be deemed to imply any
10 limitation on ticket sales made pursuant and in accordance with
11 subsections (b), (c), and (d) of this Section and any
12 limitation on sales made pursuant to and in accordance with
13 Section 4.

14 The provisions of Public Act 89-406 ~~this amendatory Act of~~
15 ~~1995~~ are severable under Section 1.31 of the Statute on
16 Statutes.

17 (Source: P.A. 89-406, eff. 11-15-95.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.".